

THE LIBERIA PETROLEUM REFINING
COMPANY, represented by & thru its Managing
Director, PHILIP T. DAVIS, Informant, v. HIS
HONOUR FREDERICK K. TULAY, Chambers
Justice, HER HONOUR C. AIMESA REEVES, Debt
Court Judge, and THE LEWIS & LEWIS LAW
OFFICES, represented by and thru its Proprietor,
JOHNNIE N. LEWIS, Respondents.

INFORMATION PROCEEDINGS GROWING OUT OF A PETITION FOR A WRIT OF
CERTIORARI.

Argued May 16, 1989. Decided July 14, 1989.

1. A bill of information complaining about the acts, orders or other conduct of the Chambers Justice to the Full Bench of the Supreme Court must be followed by the issuance of the necessary precepts by the Supreme Court on the respondent named in the bill of information in order for the Full Bench to assume jurisdiction and pass thereon.

The Liberia Petroleum Refining Company, by and through its legal counsel filed a bill of information before the Supreme Court *en banc*, sitting in its March, 1987 Term against the Judge of the Debt Court for Montserrado County and Counsellor Johnnie N. Lewis. The bill of information grew out of a petition for a writ of certiorari, filed before His Honour Frederic K. Tulay, then presiding in Chambers.

The informant contended that having filed a petition in the Chambers of Justice Tulay on February 12, 1987, the respondents, the debt court judge and Counsellor Johnnie N. Lewis, had failed to file returns thereto; that although the Chambers Justice cited informant's counsel to appear for hearing of the petition for certiorari, said hearing was postponed by the Chambers Justice; and that without any hearing on the petition for the writ of certiorari, the informant received a notice of assignment from the trial court for the reading of the Supreme Court's mandate from

the certiorari proceeding which the informant claimed had not been heard by the Chambers Justice. The informant therefore prayed the Supreme Court to order the trial judge to stay all further proceedings in the matter until the hearing and determination of the certiorari proceeding and to further order the Chambers Justice to hear the petition for certiorari.

At the call of the bill of information for hearing, the respondents raised the issue that the information proceeding was not properly before the Supreme Court because no writ of summons from said Court had been ordered issued by the Court, or had been issued, served and return served on respondents. Therefore, they said, the bill of information should be set aside. This argument, being sound in law, the Court *denied* the bill of information and ordered the court below to resume jurisdiction over the subject matter and proceed with the case.

Theophilus Gould of the Brumskine & Associates Law Firm appeared for informant. *Johnnie N. Lewis* of the Lewis & Lewis Law Offices appeared for respondents.

MR. JUSTICE AZANGO delivered the opinion of the court.

On May 21, 1987, The Liberia Petroleum Refining Company, by and through its legal counsel, Counsellor Theophilus Gould, filed a bill of information before the Supreme Court of Liberia sitting in its March Term, A. D. 1987 against Debt Court Judge for Montserrado County, Her Honour C. Aimesa Reeves, and Johnnie N. Lewis of the Lewis & Lewis Law Offices.

This bill of information grew out of a petition for certiorari filed on February 12, 1987 before the Chambers Justice, His Honour Frederick K. Tulay, against Judge C. Aimesa Reeves and Counsellor Johnnie N. Lewis.

Informant contended in count two of its bill of information that the respondents had failed and refused to file their returns on or before the 23rd day of February, A. D. 1987. Informant also contended in counts three, four and five that its counsel was cited by the Chambers Justice and appeared for the hearing of the certiorari proceedings, but that His Honour Frederick K. Tulay,

the Justice presiding in Chambers, postponed the hearing of said case, as shown by exhibits, "B", "C" and "D" respectively.

Informant further contended in count seven of its bill of information that it surprisingly received a notice of assignment from the lower court for the reading of the Supreme Court's mandate in the certiorari proceeding which had not been heard by the Chambers Justice up to and including the filing of the bill of information.

Furthermore, informant maintained in counts nine and ten that the procedure adopted by the Chambers Justice was irregular and illegal as it deprived informant of its constitutional rights to be heard and to appeal if it was dissatisfied with the ruling of the Chambers Justice. Informant therefore prayed that this Honourable Court of final resort orders the trial judge to stay all further proceeding until the hearing and determination of the certiorari proceeding and to order the Chambers Justice to hear his petition of certiorari.

At the call of the case, counsel for informant, Counsellor Theophilus Gould, prayed the Court to rule on the strength of the bill of information filed before Court by informant, while counsel for respondents, Counsellor Johnnie N. Lewis, contended very strongly that no bill of information was properly before this Court to be passed upon since no writ of summons was issued and served on the respondents. Respondent's counsel therefore prayed the Court to rule out the information.

A careful perusal of the entire records in the instant case revealed that there was no bill of information legally before this Honourable Court. Therefore, the alleged bill of information not being properly filed before this Honourable Court is hereby set aside.

In view of the aforementioned, this Court is left with no other alternative but to deny the alleged bill of information to all its intents and purposes. The trial court is hereby mandated to resume jurisdiction over the subject matter and proceed with the final determination of the case. And it is hereby so ordered.

Information denied.